

PHARMACY BOARD[657]

Adopted and Filed

Pursuant to the authority of Iowa Code section 147.76, the Board of Pharmacy hereby amends Chapter 36, "Discipline," Iowa Administrative Code.

This amendment provides clearer and more direct references to certain common violations by licensees or registrants for use by the Board when initiating and hearing disciplinary action. With respect to the addition of the submission of a false certification of continuing education as a ground for discipline, pharmacist licensees are now required to utilize the CPE Monitor for documenting the completion of continuing education requirements for licensure, and upon license renewal, pharmacists may now submit a certification of completion in lieu of reporting each educational program completed.

This rule does not provide for waiver or variance. The Board simply, by means of deciding not to initiate disciplinary action against a licensee or registrant based on any of the listed grounds for disciplinary action, implies a waiver or variance of the specific ground for disciplinary action.

Notice of Intended Action was published in the December 10, 2014, Iowa Administrative Bulletin as **ARC 1790C**. The Board received no written comments regarding the proposed amendment. A member of the Board did, however, request reconsideration of proposed new paragraph "ai," and the Board agreed to change that paragraph to require the reporting of only a criminal conviction relating to the practice of pharmacy or the distribution of drugs.

The amendment was approved during the March 9, 2015, meeting of the Board of Pharmacy.

After analysis and review of this rule making, no impact on jobs has been found.

This amendment is intended to implement Iowa Code sections 147.55, 272C.3, 272C.5, 155A.15, 155A.23, 126.3, 124.304, and 124.401 to 124.407.

This amendment will become effective on May 20, 2015.

The following amendment is adopted.

Amend subrule 36.1(4) as follows:

36.1(4) *Grounds for discipline.* The board may impose any of the disciplinary sanctions set out in subrule 36.1(2) when the board determines that the licensee, registrant, or permittee is guilty of the following acts or offenses:

a. to n. No change.

o. Submission of a false report of continuing education, submission of a false certification of completion of continuing education, or failure to submit biennial reports of continuing education as directed by the board.

p. to t. No change.

u. Violating any of the grounds for revocation or suspension of a license or registration listed in Iowa Code sections section 147.55, 155A.12, and 155A.15 Iowa Code chapter 155A, or any of the rules of the board.

v. to ah. No change.

ai. Failure to notify the board of a criminal conviction relating to the practice of pharmacy or to the distribution of drugs within 30 days of the action, regardless of the jurisdiction where it occurred.

aj. Obtaining, possessing, or attempting to obtain or possess prescription drugs without lawful authority.

ak. Diverting prescription drugs from a pharmacy for personal use or for distribution.

al. Practicing pharmacy, or assisting in the practice of pharmacy, while under the influence of alcohol or illicit substances.

am. Practicing pharmacy, or assisting in the practice of pharmacy, while under the influence of prescription drugs or substances for which the licensee or registrant does not have a lawful prescription or while impaired by the use of legitimately prescribed pharmacological agents, drugs, or substances.

an. Forging or altering a prescription.

ao. Practicing outside the scope of the profession.

ap. Dispensing, or contributing to the dispensing of, an incorrect prescription, which includes, but is not limited to, the incorrect drug, the incorrect strength, the incorrect patient or prescriber, or the incorrect or incomplete directions.

aq. Failing to comply with a confidential order for evaluation.

[Filed 3/26/15, effective 5/20/15]

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EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 4/15/15.